

DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
WASHINGTON, D.C. 20370-5000

IN REPLY REFER TO  
BUPERSINST 5355.1  
NMPC-01GG  
25 JUL 1990

BUPERSINST 5355.1

From: Chief of Naval Personnel

Subj: DRUG-FREE WORKPLACE PROGRAM

Ref: (a) OPNAVINST 5355.4  
(b) OFFCPM msg 221904Z Mar 90 (NOTAL)  
(c) OFFCPM msg 031857Z Apr 90 (NOTAL)

Encl: (1) Testing Designated Positions (TDPs) Subject to Random  
Drug Testing

1. Purpose. To implement the Chief of Naval Personnel  
(CHNAVPERS) claimancy Drug-Free Workplace Program (DFWP) per  
references (a) through (c).

2. Background

a. The basic requirements for a Federal drug-free workplace were established by Executive Order 12564 and Public Law 100-71. Within the Chief of Naval Operations (CNO) and the Bureau of Naval Personnel (BUPERS), the DFWP will be standardized to the greatest degree possible by following the guidance in reference (a) and this instruction. This instruction identifies those requirements which must be determined locally and specifies how they will apply within this claimancy.

b. The U.S. District Court, Northern District of California, in AFGE Local 1533, et al, versus Cheney, on 15 March 1990 modified the Navy-wide list of Testing Designated Positions (TDPs) subject to random drug testing. References (b) and (c) identify the scope of testing allowed under the court order. Only the TPDs listed in enclosure (1) of this instruction are currently subject to random drug testing. Other positions may be added after further court action. Proposed additions to the list must be submitted to the Office of Civilian Personnel Management, via the chain of command, for approval.

c. In addition to testing employees in TDP positions listed in enclosure (1), activities can test applicants for TDPs, volunteers, employees subject to follow-up testing, and employees under reasonable suspicion, per reference (a). The court order prohibits testing due solely to accidents or unsafe practices. Therefore paragraphs 6d (14) and IB3 of reference (a) are suspended. However testing for reasonable suspicion may be conducted in connection with accidents or unsafe practices.

3. Policy. It is the policy of the CNO and the CHNAVPERS to provide a workplace free from illegal drug use and to solicit the support of all personnel to achieve this goal. The DFWP is a comprehensive program balanced between offering a helping hand to employees who are using drugs illegally and at the same time making clear that illegal drug use will not be tolerated.

4. Authorization. The Director, Civilian Personnel Programs (NMPC-01GG) is the BUPERS Drug Program Coordinator (DPC) and will direct, administer and manage the DFWP for the claimancy.

5. Action. Addressees will:

a. Ensure that the DFWP policies of reference (a) and this instruction are fully implemented and that procedures are strictly followed.

b. Ensure that local activity instructions are published, in cooperation with servicing civilian personnel offices, that include the minimum requirements in Chapter I, Section B of reference (a). A sample activity instruction is provided in Appendix B of reference (a).

c. Ensure that the instruction identifies the activity DPC. Every DPC must be certified as a Contracting Officer's Technical Representative (COTR), regardless of whether activities have any TDPs. All DPCs must complete the current, revised COTR training course. Only certified DPCs will be allowed to order from collection contracts. Activities with less than 12 TDPs to be tested annually are encouraged to obtain DPC services from a larger activity. Many servicing personnel offices have designated a staff member as DPC to serve activities with a small number of TDPs.

d. Send to the attention of the Director, Civilian Personnel Programs, NMPC-01GG, no later than 31 August 1990, certification that DFWP pre-implementation actions required in Chapter I, Section A of reference (a) have been completed, regardless of whether any TDPs are identified. Drug testing may begin only after this certification is completed. Even if no TDPs are identified, activities must be prepared to test for reasonable suspicion, to conduct follow up testing, and to test volunteers. This certification must also include:

(1) Designation of the activity DPC, by name, title, series, grade/rank, and telephone number.

(2) A verified TPD list, by activity, containing the name, social security number, gender, position title, series, and pay plan (i.e. GS) of each position in the TDP testing pool.

e. Ensure the availability to all employees of a strong Civilian Employee Assistance Program (CEAP) emphasizing employee education, counseling and referral to rehabilitation services.

f. Provide a safe harbor for any employee who voluntarily admits his or her drug use, per Chapter II of reference (a).

6. Collection Services Contracts. The Chief of Naval Operations (CNO) (OP-14) is negotiating for one or more collection services contractors(s) to conduct specimen collection off-site, at contractor facilities, and on-site, if there are 13 or more TDPs. As contracts are awarded, the DPC will provide you the information for utilizing contractor services. Contractors will order collection supplies from the General Services Administration directly. Reference (a) requires that requests to use civilian employee volunteers or military personnel for specimen collection be submitted to the CNO via the chain of command for prior approval.

7. Funding for Collection Costs. CNO is seeking central funding of this program. Until central funding is obtained, you are to ensure that sufficient funds are available from current operating budgets to pay costs for collection, medical review and other expenses of the program.

8. Reporting Requirements. DPCs will report quarterly to the BUPERS DPC the number of tests administered, the results, and the cost.

9. Program Assistance. The BUPERS DPC may be reached at AUTOVON 225-2331, Commercial 202-695-2331, for assistance.

Distribution:

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(NMPC-01GG)

DEPARTMENT OF THE NAVY  
TESTING DESIGNATED POSITIONS SUBJECT TO RANDOM DRUG TESTING

Presidential Appointees  
Positions Requiring Top Secret Clearance With Access  
Nuclear Weapon Personnel Reliability Program  
Military Sealift Command Nuclear Weapon Personnel  
Reliability Program  
Military Sealift Command Civilian Mariners  
Navy Drug Screening Laboratory Employees  
Air Traffic Control Specialist (Station)  
Air Traffic Control Specialist (Terminal)  
Motor Vehicle Operator  
Airplane Pilot  
Airplane Pilot Supervisory  
Flight Instructor (Helicopter)  
Flight Test Pilot  
Test Pilot  
Flight Instructor (Pilot)  
Flight Instructor (Navigator)  
Flight Instructor (Flight Engineer)  
Locomotive Engineer  
Small Craft Operator  
Pilots/Chief Ship Pilot  
Security Guard (If Incumbent Carries Weapon)  
Police Officer (If Incumbent Carries Weapon)  
Criminal Investigator (If Incumbent Carries Weapon)  
Firefighter (Airfield)  
Firefighter (Structural)  
Detective (If Incumbent Carries a Weapon)

Enclosure (1)